

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Petition to** )  
**Revoke Probation Against:** )  
 )  
 )  
**Norman Theodore Buetow, Jr., M.D.** )  
 )  
**Physician's and Surgeon's** )  
**Certificate No. G 40726** )  
 )  
**Respondent** )  
\_\_\_\_\_ )

**Case No. 800-2017-034195**

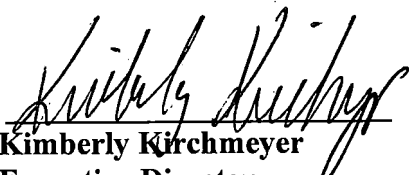
**DECISION**

**The attached Stipulated Surrender of License and Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on March 14, 2018.**

**IT IS SO ORDERED March 7, 2018.**

**MEDICAL BOARD OF CALIFORNIA**

By:   
**Kimberly Kirchmeyer**  
**Executive Director**

1 XAVIER BECERRA  
Attorney General of California  
2 JUDITH T. ALVARADO  
Supervising Deputy Attorney General  
3 RICHARD D. MARINO  
Deputy Attorney General  
4 State Bar No. 90471  
California Department of Justice  
5 300 So. Spring Street, Suite 1702  
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7 *Attorneys for Complainant*

8 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke  
Probation Against:

12 **NORMAN THEODORE BUETOW, JR.**  
13 **38285 Oaktree Loop**  
14 **Murrieta, CA 92562**

15 **Physician's and Surgeon's Certificate No. G**  
16 **40726,**

17 Respondent.

Case No. 800-2017-034195

**STIPULATED SURRENDER OF**  
**LICENSE AND ORDER**

18  
19  
20 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
21 interest and the responsibility of the Medical Board of California of the Department of Consumer  
22 Affairs, the parties hereby agree to the following Stipulated Surrender and Disciplinary Order  
23 which will be submitted to the Board for approval and adoption as the final disposition of the  
24 Petition to Revoke Probation.

25 **PARTIES**

26 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
27 of California (Board). She brought this action solely in her official capacity and is represented in  
28 this matter by Xavier Becerra, Attorney General of the State of California, by Richard D. Marino,  
Deputy Attorney General.

2. NORMAN THEODORE BUETOW, JR. (Respondent) is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about August 29, 1979, the Board issued Physician's and Surgeon's Certificate No. G 40726 to Respondent. This Certificate expired on December 31, 2016, and has not been renewed.

#### **JURISDICTION**

4. Petition to Revoke Probation No. 800-2017-034195 was filed before the (Board), and is currently pending against Respondent. The Petition to Revoke Probation and all other statutorily required documents were properly served on Respondent on August 9, 2017. Respondent timely filed his Notice of Defense contesting the Petition to Revoke Probation. A copy of Petition to Revoke Probation No. 800-2017-034195 is attached as Exhibit A and incorporated by reference.

#### **ADVISEMENT AND WAIVERS**

5. Respondent has carefully read, and understands the charges and allegations in Petition to Revoke Probation No. 800-2017-034195. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Petition to Revoke Probation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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13. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

## ORDER

**IT IS HEREBY ORDERED** that Physician's and Surgeon's Certificate No. G 40726, issued to Respondent NORMAN THEODORE BUETOW, JR., is surrendered and accepted by the Medical Board of California.

1. The surrender of Respondent's Physician's and Surgeon's Certificate and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Medical Board of California.

2. Respondent shall lose all rights and privileges as a physician and surgeon in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Petition to Revoke Probation No. 800-2017-034195 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Petition to Revoke Probation, No. 800-2017-034195 shall be deemed to be true, correct, and admitted by Respondent for the purpose of

any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

**ACCEPTANCE**

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED:

Feb 19th 2018 Norman Theodore Buetow Jr  
NORMAN THEODORE BUETOW, JR.  
Respondent

**ENDORSEMENT**

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

Dated:

Feb. 27, 2018

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
JUDITH T. ALVARADO  
Supervising Deputy Attorney General

Richard D. Marino

RICHARD D. MARINO  
Deputy Attorney General  
Attorneys for Complainant

LA2017505771  
BuetowSurrender.docx

**Exhibit A**

**Petition to Revoke Probation No. 800-2017-034195**

XAVIER BECERRA  
Attorney General of California  
JUDITH T. ALVARADO  
Supervising Deputy Attorney General  
RICHARD D. MARINO  
Deputy Attorney General  
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*Attorneys for Complainant*

BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Petition to Revoke  
Probation Against,

**NORMAN THEODORE BUETOW, JR.**  
38285 Oaktree Loop  
Murrieta, CA 92562

**Physician's and Surgeon's Certificate No. G  
40726**

Respondent.

Case No. 800-2017-034195

**PETITION TO REVOKE PROBATION**

Complainant alleges:

**PARTIES**

1. Kimberly Kirchmeyer (Complainant) brings this Petition to Revoke Probation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs.

2. On or about August 29, 1979, the Medical Board of California issued Physician's and Surgeon's Certificate Number G 40726 to NORMAN THEODORE BUETOW, JR., M.D. (Respondent). The Physician's and Surgeon's Certificate expired on December 31, 2016, and has not been renewed.

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### PRIOR DISCIPLINARY CONSIDERATIONS

3. In a disciplinary action entitled *In the Matter of Accusation Against Norman Theodore Buetow, Jr., M.D.*, Case No. 17-2012-223279, the Medical Board of California, issued a decision, effective October 31, 2014, in which Respondent's Physician's and Surgeon's Certificate was revoked. However, the revocation was stayed and Respondent's Physician's and Surgeon's Certificate was placed on probation for a period of five (5) years with certain terms and conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.

4. In a disciplinary action entitled *In the Matter of Accusation Against Norman Theodore Buetow, Jr., M.D.*, Case No. 07-1993-031299, the Medical Board of California, issued a public reprimand, pursuant to Business and Professions Code section 495 and 227 based on allegations that Respondent was repeatedly negligent in failing to schedule return visits for patients.

### JURISDICTION

5. This Petition to Revoke Probation is brought before the Medical Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

6. Section 2227 of the Code provides:

“(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

“(1) Have his or her license revoked upon order of the board.

“(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

“(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

1 “(4) Be publicly reprimanded by the board. The public reprimand may include a  
2 requirement that the licensee complete relevant educational courses approved by the board.

3 “(5) Have any other action taken in relation to discipline as part of an order of  
4 probation, as the board or an administrative law judge may deem proper.

5 “(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical  
6 review or advisory conferences, professional competency examinations, continuing  
7 education activities, and cost reimbursement associated therewith that are agreed to with the  
8 board and successfully completed by the licensee, or other matters made confidential or  
9 privileged by existing law, is deemed public, and shall be made available to the public by  
10 the board pursuant to Section 803.1.”

11 7. Section 2234 of the Code, in pertinent part, provides that “[t]he Board shall take  
12 action against any licensee charged with unprofessional conduct.”

13 8. Section 118 of the Code, in pertinent part, provides:

14 “... ”

15 “(b) The suspension, expiration, or forfeiture by operation of law of a license issued  
16 by a board in the department, or its suspension, forfeiture, or cancellation by order of the  
17 board or by order of a court of law, or its surrender without the written consent of the board,  
18 shall not, during any period in which it may be renewed, restored, reissued, or reinstated,  
19 deprive the board of its authority to institute or continue a disciplinary proceeding against  
20 the licensee upon any ground provided by law or to enter an order suspending or revoking  
21 the license or otherwise taking disciplinary action against the licensee on any such ground.

22 “... ”

### 23 CAUSE TO REVOKE PROBATION

#### 24 (Failure to Comply with Probation Conditions 9, 10, 11 and 12)

25 9. At all times after the effective date of Respondent’s probation, Condition Number 9,  
26 in pertinent part, provided that “Respondent shall submit quarterly declarations under penalty of  
27 perjury . . . **not later than 10 calendar days after the end of the preceding quarter.**”

28 (Emphasis added.)

1       10. At all times after the effective date of Respondent's probation, Condition Number 10,  
2 in pertinent part, provided that "Respondent shall maintain a current and renewed California  
3 physician's and surgeon's license."

4       11. At all times after the effective date of Respondent's probation, Condition Number 11,  
5 in pertinent part, provided that "Respondent shall be available in person upon request for  
6 interviews at Respondent's place of business or at the probation unit office . . . ."

7       12. At all times after the effective date of Respondent's probation, Condition Number 12,  
8 in pertinent part, provided that "Respondent's period of non-practice shall not exceed two (2)  
9 years."

10       13. Respondent's probation is subject to revocation because he failed to comply with  
11 Condition Numbers 9, 10, 11, and 12, referenced above, as follows:

12           A. Respondent's probation commenced on October 14, 2014. Condition Number  
13 3 called for actual suspension in the amount of 45 days, beginning November 15, 2014.

14           B. Respondent's Physician and Surgeon's Certificate Number G40726 expired on  
15 December 31, 2016.

16           C. Respondent's quarterly declaration for the fourth quarter of 2016 was due on  
17 January 10, 2017, but was not received until February 27, 2017. Respondent's quarterly  
18 declaration for the first quarter of 2017 was due on April 10, 2017; and, as of May 15,  
19 2017, has not been received.

20           D. Respondent's suspension ended on December 29, 2014. Respondent did not  
21 resume practicing medicine following his suspension.

22           E. Respondent was asked to appear for an interview with his probation inspector  
23 shortly after he was placed on probation by the Medical Board of California. Respondent  
24 did not appear for that interview and, to date, has not contacted his probation inspector for  
25 the purpose of being interviewed.

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**PRAYER**

**WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking the probation that was granted by the Medical Board of California in Case No. 17-2012-223279 and imposing the disciplinary order that was stayed thereby revoking Physician's and Surgeon's Certificate No. G 40726 issued to NORMAN THEODORE BUETOW, JR. M.D.;

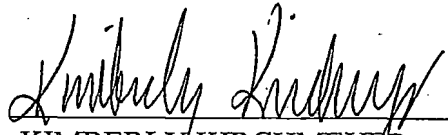
2. Revoking or suspending Physician's and Surgeon's Certificate No. G 40726, issued to NORMAN THEODORE BUETOW, JR., M.D.;

3. Revoking, suspending or denying approval of NORMAN THEODORE BUETOW, JR., M.D.'s authority to supervise physician's assistants, pursuant to section 3527 of the Business and Professions Code; and advanced practice nurses;

4. Ordering NORMAN THEODORE BUETOW, JR., M.D., if placed on probation, to pay the Medical Board of California the costs of probation monitoring;

5. Taking such other and further action as deemed necessary and proper.

DATED: August 9, 2017

  
KIMBERLY KIRCHMEYER  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California

*Complainant*

## **Exhibit A**

### **Decision and Order**

**Medical Board of California Case No. 17-2012-223279**

BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against: )

NORMAN THEODORE BUETOW JR., M.D. )

MBC File # 17-2012-223279

Physician's & Surgeon's )  
Certificate No. G 40726 )

Respondent. )

**ORDER CORRECTING NUNC PRO TUNC**  
**CLERICAL ERROR IN "PHYSICIAN'S & SURGEON'S CERTIFICATE NO."**  
**CONTAINED ON THE ORDER CORRECTING NUNC PRO TUNC PAGE**

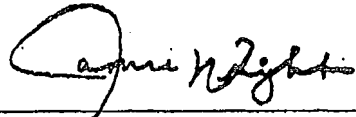
On its own motion, the Medical Board of California (hereafter "board") finds that there is a clerical error in the "Physician's & Surgeon's Certificate No." Contained on the Order Correcting Nunc Pro Tunc Page in the above-entitled matter and that such clerical error should be corrected so that the Physician's & Surgeon's Certificate No. will conform to the Board's issued decision.

IT IS HEREBY ORDERED that the Physician's & Surgeon's Certificate No. contained on the Order Correcting Nunc Pro Tunc Page in the above-entitled matter be and hereby is amended and corrected nunc pro tunc as of the date of entry of the decision to read as "Physician's & Surgeon's Certificate No. G 40726".

IT IS SO ORDERED December 29, 2014.

MEDICAL BOARD OF CALIFORNIA

By: \_\_\_\_\_

  
Jamie Wright, J.D., Chairperson  
Panel A

BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against: )

NORMAN THEODORE BUETOW JR., M.D. )

MBC File # 17-2012-223279

Physician's & Surgeon's )  
Certificate No. A 40726 )

Respondent. )

**ORDER CORRECTING NUNC PRO TUNC  
CLERICAL ERROR IN "FULL NAME (SUFFIX)" PORTION OF DECISION**

On its own motion, the Medical Board of California (hereafter "board") finds that there is a clerical error in the "full name (suffix)" portion of the Decision in the above-entitled matter and that such clerical error should be corrected so that the full name (suffix) will conform to the Board's issued decision.

IT IS HEREBY ORDERED that the full name (suffix) contained on the Decision Order Page in the above-entitled matter be and hereby is amended and corrected nunc pro tunc as of the date of entry of the decision to read as "NORMAN THEODORE BUETOW JR".

IT IS SO ORDERED October 15, 2014.

MEDICAL BOARD OF CALIFORNIA

By: \_\_\_\_\_

Barbara Yaroslavsky, Chair  
Panel A

BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against: )

Norman Theodore Buetow, M.D. )

Case No. 17-2012-223279

Physician's and Surgeon's  
Certificate No. G 40726 )

Respondent )  
\_\_\_\_\_ )

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

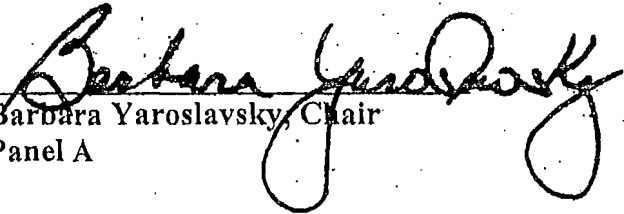
This Decision shall become effective at 5:00 p.m. on October 31, 2014.

IT IS SO ORDERED: October 3, 2014.

MEDICAL BOARD OF CALIFORNIA

By: \_\_\_\_\_

Barbara Yaroslavsky, Chair  
Panel A





1 KAMALA D. HARRIS  
Attorney General of California  
2 ROBERT MCKIM BELL  
Supervising Deputy Attorney General  
3 KLINT JAMES MCKAY  
Deputy Attorney General  
4 State Bar No. 120881  
California Department of Justice  
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Los Angeles, CA 90013  
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7 E-mail: Klint.McKay@doj.ca.gov  
*Attorneys for Complainant*

8  
9 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

MBC Case No. 17-2012-223279

12 **NORMAN BUETOW, M.D.**  
13 **38530 Glen Abbey Lane**  
14 **Murrieta, CA 92562**  
15 **Physician's and Surgeon' Certificate No. G**  
**40726**

OAH No. 2014010534

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

16 Respondent.

17  
18 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
19 interest and the responsibility of the Medical Board of California of the Department of Consumer  
20 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order  
21 which will be submitted to the Board for approval and adoption as the final disposition of the  
22 Accusation.

23 **PARTIES**

24 1. Kimberly Kirchmeyer ("Complainant") is the Executive Director of the Medical  
25 Board of California. She brought this action solely in her official capacity and is represented in  
26 this matter by Kamala D. Harris, Attorney General of the State of California, by Klint James  
27 McKay, Deputy Attorney General.  
28

2. Respondent NORMAN BUETOW, M.D. ("Respondent") is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about August 29, 1979, the Medical Board of California issued Physician's and Surgeon' Certificate No. G 40726 to NORMAN BUETOW, M.D. (Respondent). The Physician's and Surgeon' Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 17-2012-223279 and will expire on December 31, 2014, unless renewed.

## JURISDICTION

4. Accusation No. 17-2012-223279 was filed before the Medical Board of California (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on November 18, 2013. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 17-2012-223279 is attached as **Exhibit A** and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

6. Respondent has carefully read, and understands the charges and allegations in Accusation No. 17-2012-223279. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 CULPABILITY

2 9. Respondent admits the truth of each and every charge and allegation in Accusation  
3 No. 17-2012-223279.

4 10. Respondent agrees that his Physician's and Surgeon's Certificate is subject to  
5 discipline and he agrees to be bound by the Board's probationary terms as set forth in the  
6 Disciplinary Order below.

7 CONTINGENCY

8 11. This Stipulation shall be subject to approval by the Medical Board of California.  
9 Respondent understands and agrees that counsel for Complainant and the staff of the Medical  
10 Board of California may communicate directly with the Board regarding this Stipulation and  
11 settlement, without notice to or participation by Respondent. By signing the Stipulation,  
12 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the  
13 Stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this  
14 Stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of  
15 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between  
16 the parties, and the Board shall not be disqualified from further action by having considered this  
17 matter.

18 12. The parties understand and agree that Portable Document Format (PDF) and facsimile  
19 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format  
20 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

21 13. In consideration of the foregoing admissions and Stipulations, the parties agree that  
22 the Board may, without further notice or formal proceeding, issue and enter the following  
23 Disciplinary Order:

24 DISCIPLINARY ORDER

25 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 40726 issued  
26 to Respondent NORMAN BUETOW, M.D. (Respondent) is revoked. However, the revocation is  
27 stayed and Respondent is placed on probation for five (5) years on the following terms and  
28 conditions.

1       1.    REVOCATION - MULTIPLE CAUSES. Certificate No. G 40726 issued to  
2 Respondent Norman Buetow, M.D. is revoked pursuant to the Causes for Discipline in the  
3 Accusation, separately and for all of them.

4       2.    STANDARD STAY ORDER. However, revocation stayed and Respondent is placed  
5 on probation for five years upon the following terms and conditions.

6       3.    ACTUAL SUSPENSION. As part of probation, Respondent is suspended from the  
7 practice of medicine for forty-five (45) calendar days beginning the sixteenth (16th) calendar day  
8 after the effective date of the Decision adopting this Stipulation.

9       4.    PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of  
10 the effective date of this Decision, Respondent shall enroll in a professionalism program that  
11 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.  
12 Respondent shall participate in and successfully complete that program. Respondent shall  
13 provide any information and documents that the program may deem pertinent. Respondent shall  
14 successfully complete the classroom component of the program not later than six (6) months after  
15 Respondent's initial enrollment, and the longitudinal component of the program not later than the  
16 time specified by the program, but no later than one (1) year after attending the classroom  
17 component. The professionalism program shall be at Respondent's expense and shall be in  
18 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

19       A professionalism program taken after the acts that gave rise to the charges in the  
20 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board  
21 or its designee, be accepted towards the fulfillment of this condition if the program would have  
22 been approved by the Board or its designee had the program been taken after the effective date of  
23 this Decision.

24       Respondent shall submit a certification of successful completion to the Board or its  
25 designee not later than 15 calendar days after successfully completing the program or not later  
26 than 15 calendar days after the effective date of the Decision, whichever is later.

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1           5.   MONITORING - BILLING. Within 30 calendar days of the effective date of this  
2 Decision, Respondent shall submit to the Board or its designee for prior approval as a billing  
3 monitor, the name and qualifications of one or more licensed physicians and surgeons whose  
4 licenses are valid and in good standing, and who are preferably American Board of Medical  
5 Specialties (ABMS) certified. A monitor shall have no prior or current business or personal  
6 relationship with Respondent, or other relationship that could reasonably be expected to  
7 compromise the ability of the monitor to render fair and unbiased reports to the Board, including  
8 but not limited to any form of bartering, shall be in Respondent's field of practice, and must agree  
9 to serve as Respondent's monitor. Respondent shall pay all monitoring costs.

10           The Board or its designee shall provide the approved monitor with copies of the Decision(s)  
11 and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of receipt of the  
12 Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed  
13 statement that the monitor has read the Decision(s) and Accusation(s), fully understands the role  
14 of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees  
15 with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the  
16 signed statement for approval by the Board or its designee.

17           Within 60 calendar days of the effective date of this Decision, and continuing throughout  
18 probation, Respondent's billing shall be monitored by the approved monitor. Respondent shall  
19 make all records available for immediate inspection and copying on the premises by the monitor  
20 at all times during business hours and shall retain the records for the entire term of probation.

21           If Respondent fails to obtain approval of a monitor within 60 calendar days of the effective  
22 date of this Decision, Respondent shall receive a notification from the Board or its designee to  
23 cease the practice of medicine within three (3) calendar days after being so notified. Respondent  
24 shall cease the practice of medicine until a monitor is approved to provide monitoring  
25 responsibility.

26           The monitor shall submit a quarterly written report to the Board or its designee which  
27 includes an evaluation of Respondent's performance, indicating whether Respondent's practices  
28 are within the standards of practice of billing and whether Respondent is billing appropriately. It

1 is the sole responsibility of Respondent to ensure that the monitor submits the quarterly written  
2 reports to the Board or its designee within 10 calendar days after the end of the preceding quarter.

3 If the monitor resigns or is no longer available, Respondent shall, within 5 calendar days of  
4 such resignation or unavailability, submit to the Board or its designee, for prior approval, the  
5 name and qualifications of a replacement monitor who will be assuming that responsibility within  
6 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within 60  
7 calendar days of the resignation or unavailability of the monitor, Respondent shall be subject to  
8 notification from the Board or its designee to cease the practice of medicine within three (3)  
9 calendar days after being so notified Respondent shall cease the practice of medicine until a  
10 replacement monitor is approved and assumes monitoring responsibility.

11 6. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the  
12 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the  
13 Chief Executive Officer at every hospital where privileges or membership are extended to  
14 Respondent, at any other facility where Respondent engages in the practice of medicine,  
15 including all physician and locum tenens registries or other similar agencies, and to the Chief  
16 Executive Officer at every insurance carrier which extends malpractice insurance coverage to  
17 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15  
18 calendar days.

19 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

20 7. SUPERVISION OF PHYSICIAN ASSISTANTS. During probation, Respondent is  
21 prohibited from supervising physician assistants.

22 8. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules  
23 governing the practice of medicine in California and remain in full compliance with any court  
24 ordered criminal probation, payments, and other orders.

25 9. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations  
26 under penalty of perjury on forms provided by the Board, stating whether there has been  
27 compliance with all the conditions of probation.

28 Respondent shall submit quarterly declarations not later than 10 calendar days after the end

1 of the preceding quarter.

2 10. GENERAL PROBATION REQUIREMENTS.

3 Compliance with Probation Unit

4 Respondent shall comply with the Board's probation unit and all terms and conditions of  
5 this Decision.

6 Address Changes

7 Respondent shall, at all times, keep the Board informed of Respondent's business and  
8 residence addresses, email address (if available), and telephone number. Changes of such  
9 addresses shall be immediately communicated in writing to the Board or its designee. Under no  
10 circumstances shall a post office box serve as an address of record, except as allowed by Business  
11 and Professions Code section 2021(b).

12 Place of Practice

13 Respondent shall not engage in the practice of medicine in Respondent's or patient's place  
14 of residence, unless the patient resides in a skilled nursing facility or other similar licensed  
15 facility.

16 License Renewal

17 Respondent shall maintain a current and renewed California physician's and surgeon's  
18 license.

19 Travel or Residence Outside California

20 Respondent shall immediately inform the Board or its designee, in writing, of travel to any  
21 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty  
22 (30) calendar days.

23 In the event Respondent should leave the State of California to reside or to practice  
24 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of  
25 departure and return.

26 11. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be  
27 available in person upon request for interviews either at Respondent's place of business or at the  
28 probation unit office, with or without prior notice throughout the term of probation.

1           12. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or  
2 its designee in writing within 15 calendar days of any periods of non-practice lasting more than  
3 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is  
4 defined as any period of time Respondent is not practicing medicine in California as defined in  
5 Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month  
6 in direct patient care, clinical activity or teaching, or other activity as approved by the Board. All  
7 time spent in an intensive training program which has been approved by the Board or its designee  
8 shall not be considered non-practice. Practicing medicine in another state of the United States or  
9 Federal jurisdiction while on probation with the medical licensing authority of that state or  
10 jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall  
11 not be considered as a period of non-practice.

12           In the event Respondent's period of non-practice while on probation exceeds 18 calendar  
13 months, Respondent shall successfully complete a clinical training program that meets the criteria  
14 of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and  
15 Disciplinary Guidelines" prior to resuming the practice of medicine.

16           Respondent's period of non-practice while on probation shall not exceed two (2) years.

17           Periods of non-practice will not apply to the reduction of the probationary term.

18           Periods of non-practice will relieve Respondent of the responsibility to comply with the  
19 probationary terms and conditions with the exception of this condition and the following terms  
20 and conditions of probation: Obey All Laws; and General Probation Requirements.

21           13. COMPLETION OF PROBATION. Respondent shall comply with all financial  
22 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the  
23 completion of probation. Upon successful completion of probation, Respondent's certificate shall  
24 be fully restored.

25           14. VIOLATION OF PROBATION. Failure to fully comply with any term or condition  
26 of probation is a violation of probation. If Respondent violates probation in any respect, the  
27 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and  
28 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,



1 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have  
2 continuing jurisdiction until the matter is final, and the period of probation shall be extended until  
3 the matter is final.

4 15. LICENSE SURRENDER. Following the effective date of this Decision, if  
5 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy  
6 the terms and conditions of probation, Respondent may request to surrender his or her license.  
7 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in  
8 determining whether or not to grant the request, or to take any other action deemed appropriate  
9 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent  
10 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its  
11 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject  
12 to the terms and conditions of probation. If Respondent re-applies for a medical license, the  
13 application shall be treated as a petition for reinstatement of a revoked certificate.

14 16. PROBATION MONITORING COSTS. Respondent shall pay the costs associated  
15 with probation monitoring each and every year of probation, as designated by the Board, which  
16 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of  
17 California and delivered to the Board or its designee no later than January 31 of each calendar  
18 year.

19  
20 ACCEPTANCE

21 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the  
22 Stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into  
23 this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and  
24 agree to be bound by the Decision and Order of the Medical Board of California.

25  
26 DATED: July 24 2014

Norman Buetow  
27 NORMAN BUETOW, M.D.  
28 Respondent

1 ENDORSEMENT

2 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
3 submitted for consideration by the Medical Board of California.

4 Dated:

5 July 24, 2014

Respectfully submitted,

6 KAMALA D. HARRIS  
7 Attorney General of California  
8 ROBERT MCKIM BELL  
9 Supervising Deputy Attorney General

10 KLINT JAMES MCKAY  
11 Deputy Attorney General  
12 *Attorneys for Complainant*

**Exhibit A**  
**Accusation No. 17-2012-223279**

1 KAMALA D. HARRIS  
Attorney General of California  
2 ROBERT MCKIM BELL  
Supervising Deputy Attorney General  
3 KLINT JAMES MCKAY  
Deputy Attorney General  
4 State Bar No. 120881  
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Facsimile: (213) 897-9395  
7 E-mail: Klint.McKay@doj.ca.gov  
Attorneys for Complainant

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO November 18 2013  
BY R. FIRDAYS ANALYST

BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:  
12 NORMAN BUETOW, M.D.  
13 38530 Glen Abbey Lane  
14 Murrieta, California 92562  
15 Physician's and Surgeon's Certificate G 40726,  
16 Respondent.

Case No. 17-2012-223279

OAH No.

ACCUSATION

19 Complainant alleges:

20 PARTIES

- 21 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official  
22 capacity as the Interim Executive Director of the Medical Board of California (Board).  
23 2. On or about August 29, 1979, the Board issued Physician's and Surgeon's Certificate  
24 number G 40726 to Norman Buetow, M.D. (Respondent). Said license was at all times relevant  
25 in full force and effect. It will expire, unless renewed, on December 31, 2014.

26 ///

27 ///

28 ///

JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2221 of the Code states:

"(a) The Division of Licensing<sup>1</sup> may deny a physician's and surgeon's license to any applicant guilty of unprofessional conduct or of any cause that would subject a licensee to revocation or suspension of his or her license; or, the division in its sole discretion, may issue a probationary license to an applicant subject to terms and conditions, including, but not limited to, any of the following conditions of probation:

"(1) Practice limited to a supervised, structured environment where the licensee's activities shall be supervised by another physician and surgeon.

"(2) Total or partial restrictions on drug prescribing privileges for controlled substances.

"(3) Continuing medical or psychiatric treatment.

"(4) Ongoing participation in a specified rehabilitation program.

"(5) Enrollment and successful completion of a clinical training program.

"(6) Abstention from the use of alcohol or drugs.

"(7) Restrictions against engaging in certain types of medical practice.

"(8) Compliance with all provisions this chapter.

"(b) The Division of Licensing may modify or terminate the terms and conditions imposed on the probationary license upon receipt of a petition from the licensee.

"(c) Enforcement and monitoring of the probationary conditions shall be under the jurisdiction of the Division of Medical Quality in conjunction with the administrative hearing procedures established pursuant to Sections 11371, 11372, 11373, and 11529 of the Government Code, and the review procedures set forth in Section 2335.

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<sup>1</sup> California Business and Professions Code section 2002, as amended and effective January 1, 2008, provides that, unless otherwise expressly provided, the term "board" as used in the State Medical Practice Act (Cal. Bus. & Prof. Code, §§2000, et seq.) means the "Medical Board of California," and references to the "Division of Medical Quality" and "Division of Licensing" in the Act or any other provision of law shall be deemed to refer to the Board.

1       "(d) The Division of Licensing shall deny a physician's and surgeon's license to an  
2 applicant who is required to register pursuant to Section 290 of the Penal Code. This subdivision  
3 does not apply to an applicant who is required to register as a sex offender pursuant to Section  
4 290 of the Penal Code solely because of a misdemeanor conviction under Section 314 of the  
5 Penal Code."

6       5.     Section 2227 of the Code states:

7       "(a) A licensee whose matter has been heard by an administrative law judge of the Medical  
8 Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default  
9 has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary  
10 action with the board, may, in accordance with the provisions of this chapter:

11       "(1) Have his or her license revoked upon order of the board.

12       "(2) Have his or her right to practice suspended for a period not to exceed one year upon  
13 order of the board.

14       "(3) Be placed on probation and be required to pay the costs of probation monitoring upon  
15 order of the board.

16       "(4) Be publicly reprimanded by the board. The public reprimand may include a  
17 requirement that the licensee complete relevant educational courses approved by the board.

18       "(5) Have any other action taken in relation to discipline as part of an order of probation, as  
19 the board or an administrative law judge may deem proper.

20       "(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical  
21 review or advisory conferences, professional competency examinations, continuing education  
22 activities, and cost reimbursement associated therewith that are agreed to with the board and  
23 successfully completed by the licensee, or other matters made confidential or privileged by  
24 existing law, is deemed public, and shall be made available to the public by the board pursuant to  
25 Section 803.1."

26       6.     Section 2234 of the Code, states:

27

28

1 "The board shall take action against any licensee who is charged with unprofessional  
2 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not  
3 limited to, the following:

4 "(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the  
5 violation of, or conspiring to violate any provision of this chapter.

6 "(b) Gross negligence.

7 "(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or  
8 omissions. An initial negligent act or omission followed by a separate and distinct departure from  
9 the applicable standard of care shall constitute repeated negligent acts.

10 "(1) An initial negligent diagnosis followed by an act or omission medically appropriate  
11 for that negligent diagnosis of the patient shall constitute a single negligent act.

12 "(2) When the standard of care requires a change in the diagnosis, act, or omission that  
13 constitutes the negligent act described in paragraph (1), including, but not limited to, a  
14 reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the  
15 applicable standard of care, each departure constitutes a separate and distinct breach of the  
16 standard of care.

17 "(d) Incompetence.

18 "(e) The commission of any act involving dishonesty or corruption which is substantially  
19 related to the qualifications, functions, or duties of a physician and surgeon.

20 "(f) Any action or conduct which would have warranted the denial of a certificate.

21 "(g) The practice of medicine from this state into another state or country without meeting  
22 the legal requirements of that state or country for the practice of medicine. Section 2314 shall not  
23 apply to this subdivision. This subdivision shall become operative upon the implementation of the  
24 proposed registration program described in Section 2052.5.

25 "(h) The repeated failure by a certificate holder, in the absence of good cause, to attend and  
26 participate in an interview scheduled by the mutual agreement of the certificate holder and the  
27 board. This subdivision shall only apply to a certificate holder who is the subject of an  
28 investigation by the board."

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A) On or about November 18, 2009, Respondent was indicted on nineteen federal felony counts arising from a fraudulent scheme to defraud various government entities by falsely billing for medical services which were not performed.

B) On or about December 19, 2011, Respondent executed an agreement pleading guilty to Count Nineteen of the indictment set forth in the preceding paragraph. Count Nineteen alleges that Respondent made false statements to a government agency in violation of 18 U.S.C. section 1001(a)(2). Specifically, the agreement alleges, and Respondent admits by his signature on the agreement, that he misrepresented the ownership and operation of various clinics, indicating that he was the owner and operator, when in fact they were owned by others, who were not licensed physicians, and who were defrauding the federal government.

C) As a result of the guilty plea, on April 16, 2012, judgment was entered convicting him of said crime, a felony. Respondent was sentenced to five years probation and assessed a monetary penalty of \$1,902,959.15.

9. Said crime is directly related to and arises out of Respondent's practice of medicine, subjecting his medical license to discipline pursuant to Business and Professions Code section 2234(a), 2234(e), and 2236.

SECOND CAUSE FOR DISCIPLINE  
(Commission of a Dishonest and Corrupt Act)

10. Respondent is subject to disciplinary action under section 2234(e) in that the facts underlying the conviction set forth above constitute the commission of dishonest and corrupt acts within the meaning of that statute.

PRIOR DISCIPLINE


11. For the purpose of determining the appropriate penalty to be imposed on Respondent with respect to the charges herein, Complainant alleges that by Decision effective June 15, 1998, the Board issued a Public Letter of Reprimand to Respondent based on his failure to schedule return visits for a symptomatic patient who was later determined to have breast cancer.

1 PRA YER

2 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,  
3 and that following the hearing, the Medical Board of California issue a decision:

- 4 1. Revoking or suspending Physician's and Surgeon's Certificate G-40726, issued to  
5 Norman Buetow, M.D.
- 6 2. Revoking, suspending or denying approval of his authority to supervise physician's  
7 assistants, pursuant to section 3527 of the Code;
- 8 3. If placed on probation, ordering him to pay the costs of probation monitoring;
- 9 4. Taking such other and further action as deemed necessary and proper.

10  
11 DATED: November 18, 2013

  
KIMBERLY KIRCHMEYER  
Interim Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California

13  
14  
15 *Complainant*